

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
Tracy Harvey,)
)
)
Plaintiff,)
)
v.)
)
Jennifer Evely and Lyft, Inc. d/b/a Lyft)
Drives South Carolina, Inc.,)
)
Defendants.)

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT
C/A NO. 2022-CP-40-00583

**ORDER DENYING UBER’S MOTION
FOR RECONSIDERATION AND
MOTION TO STAY**

RECEIVED
Mar 10 2023
SC Court of Appeals

Non-parties Uber Technologies, Inc. and Raiser, LLC (collectively, “Uber”), move this Court to reconsider and stay its Order announced from the bench on November 30, 2022. A supplemental written Order granting Plaintiff’s Motion for a Rule to Show Cause, Motion to Compel and for attorney’s fees was filed December 9, 2022.

Uber filed its Motion to Reconsider and Stay on December 22, 2022, contending that Plaintiff’s Counsel had not been accurate with this Court at the hearing in describing Uber’s response to Plaintiff’s subpoena.

Plaintiff filed a response to the Motion to Reconsider on February 6, 2023, which accurately describes Uber’s response and Plaintiff Counsel’s interaction with Uber’s paralegal. Plaintiff also briefed the propriety of this Court’s granting of the Motion to Compel and award of attorney’s fees. This Court adopts the analysis contained in Plaintiff’s Memorandum in Opposition to Uber’s Motion for Reconsideration. As the memo details, the Supreme Court of South Carolina in its Opinions and Orders has made it clear that Circuit Court judges have the duty to hear and resolve discovery disputes.

The Court has also made it clear that Circuit Courts have the authority to award attorney’s fees for failure to cooperate with properly served subpoenas and legitimate discovery requests. Uber is a foreign corporation domesticated in the state of South Carolina. Its Registered Agent in South Carolina is listed by the Secretary of State as CT Corporation Systems. Uber’s Registered Agent was properly served with a subpoena for its records concerning Defendant Evely, one of its drivers in the state of South Carolina. Uber did not file any pleading contesting the validity of the subpoena or Plaintiff’s request for an affidavit. Uber

produced records but has declined to sign an affidavit certifying that it has produced its complete file on Defendant Evely to Plaintiff's Counsel. Uber was properly and timely notified of the motions hearing in this matter and chose not to attend. Uber has been the subject of orders by other Circuit Court judges in South Carolina related to its failure to honor subpoenas and discovery requests. These orders are contained in Plaintiff's Memorandum in Opposition to Uber's Motion for Reconsideration. Uber has not shown good cause for this Court to grant its motions.

Accordingly, Uber's Motion for Reconsideration and Uber's Motion to Stay are DENIED.

AND IT IS SO ORDERED.

[JUDGE'S E-SIGNATURE TO FOLLOW]



Richland Common Pleas

Case Caption: Tracy Harvey vs Jennifer Evely , defendant, et al

Case Number: 2022CP4000583

Type: Order/Other

So Ordered

Jean H. Toal